

BOARD OF APPEALS CASE NO. 5324

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BEFORE THE

APPLICANT: Egberto Toro

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ZONING HEARING EXAMINER

**REQUEST: Variance to allow an addition within
the required setbacks; 108 Beacon Court, Joppa**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 1/29/03 & 2/5/03

HEARING DATE: March 10, 2003

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Record: 1/31/03 & 2/7/03

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Egberto Toro, requests a variance, pursuant to Section 10.05 of Ordinance 6, to allow an addition within the 8 foot side yard setback (6 feet proposed) in an R3/CDP Residential Community Development Project.

The subject parcel is located at 108 Beacon Court, Joppa, MD and is more particularly located on Tax Map 69, Grid 1A, Parcel 238, Lot 20. The parcel is located on Rumsey Island, is zoned R3/CDP, consists of 0.5± acres and is entirely within the First Election District.

Mr. Steven Markey appeared on behalf of the Applicant. The witness is a contractor who has been engaged to construct a garage and lower floor addition to the Applicant's existing home. The existing home, according to the witness is offset to one side and has an existing driveway on the same side as the proposed garage addition. The addition was described as L-shaped, wrapping around the side and rear of the home. The room addition is 50 feet by 14 feet and the garage is 12 by 26 feet. The witness explained that the lot is pie shaped, narrower at the front than the rear, and that placing the garage on the other side will not solve the setback issue. The structure is, according to the witness, similar to other structures found in this neighborhood and will not create adverse impacts to adjoining properties or impair the purpose of the Code.

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Mr. Dennis Sigler appeared on behalf of the Department of Planning and Zoning. The Department, in recommending approval of the request, found the subject parcel to be uniquely configured. The parcel is located on a cul-de-sac and is pie shaped. The existing house is angled to the property line and has a left placement on the lot. The proposed location will make use of an existing driveway and minimizes disturbances to the parcel during construction. Mr. Sigler stated that the structure was compatible with other similar structures in this neighborhood and was in compliance with the spirit and intent of the Code. No adverse impacts would result from a grant of the variance and there were no issues related to the Chesapeake Bay Critical Area. In conclusion, Mr. Sigler indicated that approval of the request was consistent with good planning and zoning principles and practices.

There were no persons that appeared in opposition to the request.

CONCLUSION:

The Applicant, Egberto Toro, requests a variance, pursuant to Section 10.05 of Ordinance 6, to allow an addition within the 8 foot side yard setback (6 feet proposed) in an R3/CDP Residential Community Development Project.

Section 267-11 of the Harford County Code permits variances and states:

The Harford County Code, pursuant to 267-11 permits variances and provides:

“Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”

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The Hearing Examiner finds that the subject parcel is uniquely configured. It is located on a cul-de-sac and is pie-shaped. The proposed addition encroaches into the setback at the narrowest point of the pie-shaped property line. There is no other practical location for the proposed addition on the parcel and it appears that moving the structure to the other side of the property would still require a variance to the setback requirement and may be undesirable from a planning perspective. The proposed structure is similar to other structures existing in this neighborhood and no impacts should result from such a minor deviation from the required setback.

The Hearing Examiner recommends approval, subject to the following conditions:

1. The Applicant obtain any and all necessary permits and inspections.
2. The proposed garage shall meet all Chesapeake Bay Critical Area requirements.
3. The proposed garage shall meet all Flood Plain requirements.

Date **APRIL 9, 2003**

William F. Casey
Zoning Hearing Examiner